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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,916	07/17/2003	Victor F., Germack	14978-2	2564
<div>7590 02/28/2008</div> <div>GLEN E. BOOKS, ESQ. LOWENSTEIN SANDLER PC 65 LIVINGSTON AVENUE ROSELAND, NJ 07068</div>				
EXAMINER				
GREGG, MARY M				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
02/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/621,916

Applicant(s)

GERMACK, VICTOR F..

Examiner

MARY GREGG

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4124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

MMG

DETAILED ACTION

Claims 12-21 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/11/2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 3-7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,003,503 B1 by Crosby et al. (Crosby).

In reference to Claim 1:

A method for rating financial reporting of public companies, comprising the steps of: obtaining public filing information for a company (Col 1 lines 51-52, Col 2 lines 20-21, Col 4 lines 6-7, 11-14); separating the obtained public filing information into predetermined rating categories (Col 1 lines 27-28, 35-36); and rating the company in each of the rating categories, using the separated public filing information(Col 1 lines 40-41, Col 2 lines 6-7; FIG. 1, FIG. 2A, FIG. 2B, FIG. 7).

In reference to Claim 3:

The method of claim 1 (see rejection of claim 1 above), wherein at least some of the public filing information is provided as structured information stored in a database (FIG. 10; Col 1 lines 51-53, Col 4 lines 17-19)

In reference to Claim 4:

The method of claim 1 (see rejection of claim 1 above), wherein rating the company includes assigning a score for each of the rating categories (Col 6 lines 23-30, Col 6 line 35-45 ref table).

In reference to Claim 5:

The method of claim 1 (see rejection of claim 1 above), wherein rating the company includes assigning an overall score (Col 6 lines 45-60, ref Table).

In reference to Claim 6:

The method of claim 5 (see rejection of claim 5 above), wherein at least one of the rating categories is accorded a greater weight to the overall score than the others (abstract, Col 1 lines 29-30, 35-37, Col 2 lines 2-8).

In reference to Claim 7:

The method of claim 1 (see rejection of claim 1 above), wherein rating the company includes assigning one or more star for each of the rating categories (Col 2 lines 10-20).

In reference to Claim 10:

The method of claim 1, wherein rating the company includes comparing the company to other companies that were rated (FIG. 1, FIG. 2A, FIG. 2B; Col 1 lines 17-18, 39-40, 52-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2, 8-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,003,503 B2 by Crosby et al. (Crosby).

In reference to Claim 2:

Crosby teaches:

The method of claim 1 (see rejection of claim 1 above),

Crosby does not teach:

wherein the public filing information includes information required by the Securities and Exchange Commission to be publicly filed.

Although Crosby does not teach information filed by the Securities and Exchange Commission, Crosby does teach information obtained on companies by "investment funds, consumer-information organizations and research firms" (Col 1 lines 15-17). Crosby teaches "selecting a list of companies that have the product" (Col 1 lines 39-40). The product of any company is either the physical item it produces and/or the services it produces for the clientele. It would have been obvious to one of ordinary skill in the

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art at the time of the invention to collect information from sources specific to data that applies to the product of the company. Therefore if the product of the company is financial reporting then the data collected such as **required** information filed at the Securities and Exchange would be obvious data specific to that product to collect.

In reference to Claim 8:

Crosby teaches:

The method of claim 1 (see rejection of claim 1 above), wherein rating the company

Crosby does not teach:

includes assigning an overall rating of one or more star

Crosby does not teach rating the company includes an overall rating of one or more stars. However Crosby does teach "sorting the companies in descending order based on the companies final value" (Col 6 line 67 and Col 7 line 1). The assignment of the "star" according to Crosby is awarded depending in the "score" of the product.

Crosby does teach assigning scores to rate the companies. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the same method of assigning stars to scored categories to also assign stars using the same criteria for the specific companies as based on those same scored categories. The assignment of stars to companies based on scored product categories which are not only scored but assigned stars based on those product scores would have been an obvious variant in the method.

In reference to Claim 9:

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Crosby teach:

The method of claim 1 (see rejection of claim 1 above), wherein rating the company includes comparing the company to other companies in its ... industry group (FIG. 1, FIG. 2A, FIG. 2B; Col 1 lines 17-18, 39-40, 52-54).

Crosby does not teach:

peer

Although Crosby does not explicitly teach "peer" group. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to restrict the comparisons of companies in specific peer groups. In order for product and company comparisons to be valid it would require the comparisons to be made within the peer industry group of that product

In reference to Claim 11:

Crosby teaches:

The method of claim 1 (see rejection of claim 1 above), wherein the rating categories include one or more of

Crosby does not teach:

(1) areas of financial concern and/or potential financial exposure; (2) accounting policies and practices; (3) financial footnotes; (4) management description of operating and financial results; and (5) corporate governance

Although Crosby is not directed toward the specific field of finance the design choice does not change the method. Other than weighting the data no action is taken on the data. The weighting of data is not specific to the industry the data comes from it

is only specific to the users decision on what weight to give the data gathered depending on its importance to the industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method as taught by Crosby to choose the rated category data specific to the industry.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 6877034 B1 by Machin et al is directed to performance evaluation through benchmarking. US Pub No. 2003/0110065 A1 by Twigge-Molecy which is directed toward collected, analyzed and a value assigned to each indication based on collected date. US Patent No. 6374358 B1 by Townsend is rating and ranking data related to an industry or service with data that is weighted and scored. US Pub No. 2004/0117240 A1 by Ness et al. with is directed toward performance assessment. US Pub No. 2005/0021389 A1 by Dias et al. which is directed toward calculating a score for a business unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MMG

/Mary Cheung/

Primary Examiner, Art Unit 3694